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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,257	12/29/2000	Scott D. Leapman	1955	8991
30408 7590 01/09/2007 GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER DINH, TAN X	
			ART UNIT 2627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/751,257

Applicant(s)

LEAPMAN, SCOTT D.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,4,5,5,6,5,7,5,8,15,18,20 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1) A Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), filed on 11/13/2006 is acknowledged. Applicant's submission filed on 11/13/2006 has been entered.

2) The I.D.S filed 11/13/2006 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 1,3,5-8,15,18,20,22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over WHITE et al (U.S 2005/0049002).

WHITE et al discloses a recording station as claimed in claims 1 and 23, comprises an interface allowing initial of function of recording station (Fig.9, interface 904), a drive configured to receive a recordable media having content recorded thereon (Fig.9,

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CD player 903), a transceiver configured to transfer the recorded content to another portable player (Fig.9, the audio in CD player are transferred to MP-3 player 907), except to specifically show a converter for converting the recorded content to another format. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to convert the recorded content to another format in WHITE et al's audio recording station as claimed, the rationale is as follows:

In figure 9 and paragraphs [0091] to [0093] WHITE et al teaches that the audio recorded in CD of CD player 903 can be transferred to MP-3 player 907. Since the MP-3 player 907 cannot play audio tracks recorded on CD in CD player 903, obviously, the audio tracks must be converted to MP-3 format and transfers to MP-3 player 907.

As to claim 3, WHITE et al shows recordable media is compact disc (paragraph [0091].

As to claim 5, WHITE et al shows transceiver is using hardwire connection or wireless connection (Fig.9, 908).

As to claim 6, WHITE et al shows docking station capable recharging portable player and transferring the recorded content to a portable player when the are connected (paragraph [0091]-[0092]).

As to claim 7, it would have been obvious to use a second drive in WHITE et al's audio recording station since connects one or more

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audio players together, sharing audio data and selectively control or playing on different audio player are considered to be within the level of skill in the art.

As to claim 8, WHITE et al shows another format is MP-3 format (paragraph [0093]).

Claim 15 add the feature of recharging the portable player to claim 1, which is found in paragraph [0091]- [0092].

Claims 18 and 24 are rejected with the same reasons as set forth in claim 3 above.

Claims 20 and 28 are rejected with the same reasons as set forth in claim 8 above.

Claims 22 and 25 are rejected with the same reasons as set forth in claim 5 above.

Claim 26 is rejected with the same reasons as set forth in claim 15 above.

Claim 27 is rejected with the same reasons as set forth in claim 7 above.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the

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invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6) Claims 1,3,5,23,24,25 and 28 are further rejected under 35

U.S.C. 102(e) as being anticipated by SHOICHI et al (JP, 2000-357,371).

SHOICHI et al discloses a recording station as claimed in claims 1 and 23, comprising:

an interface allowing initial of function of recording station (figure 1, interface 1000 initially function of recording);

a drive configured to receive a recordable media having content recorded thereon (Fig.2, CD player 1080);

a converter configured to convert the content recorded on recordable media to another format (Fig.2, PC 1000 converts audio from CD 1080 into mp-3 format);

a transceiver configured to transfer the recorded content to a memory of another portable player, wherein the converter is actuated via a button located on the interface (Fig.2, PC 1000 transfers audio signal from CD 1080 after converted into the mp-3 format to SD card 1090 and portable player 1301).

As to claims 3 and 24, SHOICHI et al shows the recordable media is at least CD, mini-disc or DVD (Fig.2, CD 1080).

As to claims 5 and 25, SHOICHI et al shows the transceiver transfers converted content to a portable player through at least

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one of hardwire or wireless connection (Fig.2, SD card connector 1299, SD card 1090 and portable player 1301).

As to claim 28, SHOICHI et al shows the content converted to another format is in accordance with MP-3 compression standard (see the abstract).

7) Applicant's arguments filed 11/13/2006 have been fully considered but they are not persuasive.

Applicant states that the prior art of WHITE et al did not show or suggest the feature of “ a drive capable of receiving a recordable media having content recorded thereon ” and “ a transceiver capable of transferring said content converted to another format to a memory of a portable player wherein said converter is actuated via a button located on said interface.”.

Applicant is directed to paragraph WHITE et al's [0092] which teaches that “ During operation, electronic device 907 may be mounted within interface 904. Electronic device 907 may also be powered or recharged via power line 910 and communicate with the systems audio system via interface cable or bus line 911. Audio information communicated to electronic device 907 may be transferred to audio system 901 such that a user may listen to selected audio information. For example, a user may have previously selected a plurality of audio files to be transmitted to electronic device 907.

Electronic device 905 may communicate the selected audio information to the automobiles audio system that utilizes interface 901 thereby allowing the user to listen to selected audio

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information. In one embodiment, cable 908 may be custom-installed to audio system 901. For example, the cable may be coupled to an auxiliary line for the system's radio or may be coupled to CD player line 912 ". As seen on figure 9 and the teaching above, we could see that the cable 908 is coupled to CD player line 912 which is connected to CD player 903, thereafter, the audio files are transferred to portable audio player 907 and the audio from CD player 903 is *different format* with MP-3 player 907. The reference of WHITE et al, in fact, suggests the features of " a drive capable of receiving a recordable media having content recorded thereon " and " a transceiver capable of transferring said content converted to another format to a memory of a portable player wherein said converter is actuated via a button located on said interface." as claimed.

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

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10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 8:00AM to 5:30PM.

The FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

January 5, 2007